



David A. Clarke Jr.
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Milwaukee County Sheriff's Office

NEWS RELEASE

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Sheriff Clarke Says Soft-on-Crime Criminal Justice System Failed to Protect Five-Year-Old Boy Savagely Murdered by Mother's Boyfriend

Milwaukee, WI – The man accused of Child Neglect Resulting in Death and Physical Abuse of a Child (Great Bodily Harm) in the beating death of his girlfriend's five-year-old son was out of jail on a court-approved Justice 2000 (J2K) release. In the earlier case, Marcos Colin faced a felony charge in June for Substantial Battery with Intent to Cause Bodily Harm and Domestic Abuse. He plead guilty in August, and had been scheduled for sentencing October 30, 2012, on that matter, before this latest turn.

At an initial appearance on June 2, Court Commissioner Grace Flynn, despite a felony criminal complaint that described Alyssa Banda as being bloodied, bruised and beaten by Marcos Colin, imposed only a \$1000 bail, with monitoring by Justice 2000, (J2K). Colin allegedly told Banda that he would "find a quiet place to kill her." He backed that threat up by subsequently knocking her unconscious, rattling her teeth and breaking her finger.

After bailing out, Colin twice earned rebukes from the court. Both times, the court admonished him, only to release him again and again: On June 8, before Judge Mary Triggiano, an initial test reflected his prior use of drugs; and again four months later on October 9, when a monitoring report from J2K submitted to Judge Mel Flanagan before sentencing, revealed a continued pattern of drug use. Despite this violation, Colin was allowed to remain out of custody.

Less than two weeks later, five-year-old Jayden Banda-Goodman died, allegedly at the hands of Colin. This is a tragic consequence of the court system's revolving door justice.

Sheriff David A. Clarke Jr. said, "The preventability of this tragic death is striking. A man with apparently chronic drug issues, and a history of resolving inter-personal issues through intimidation and violence, is a poor candidate for low bail release into the community."

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“This is a system that has repeatedly shown total disregard for its responsibility to protect the public. In this case, as in so many others, the “additional monitoring” by “soft-on-crime” judicial advocates such as Justice 2000, Chief Judge Kremers, and too many other Milwaukee County judges, is a phantom. Kremers continues to advocate for more people like Marcos Colin to be released on low or no bail and put on electronic monitoring.

Even when confronted by additional risk factors such as continued drug use, aggression, or noncompliance with the terms of release, this court system is incapable of protecting the citizens it purports to serve. In this case, the ‘Get Out of Jail’ card victimized a five-year-old boy, and the judicial system failed him. Why isn’t the media out looking to get answers from the people involved here? Killing kids in this community doesn’t seem to have the same media appeal as issues of race, police misconduct and gun control. Killing a kid in Milwaukee has been reduced to a one-day story,” Clarke said.

Colin’s bail in the homicide case was reduced from \$200,000 to \$75,000 on Saturday by Court Commissioner Kevin Costello, with the court yet again clearing him for a J2K release if he posts bail. His current charges include Child Neglect (Resulting in Death), Physical Abuse of Child/ Recklessly Cause Great Bodily Harm, and Bail Jumping. If convicted on these charges he faces up to 40 years, 9 months in prison. His October 30 hearing has been rescheduled for November 30.

“It’s a day late and a dollar short for this five-year-old. This deliberate indifference by the court system in Milwaukee County is immoral,” Clarke said.